

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Defendant.

Case No. 2:24-cv-629-DCJ-TPL

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS; THE SOCIETY OF
THE ROMAN CATHOLIC CHURCH OF
THE DIOCESE OF LAKE CHARLES; THE
SOCIETY OF THE ROMAN CATHOLIC
CHURCH OF THE DIOCESE OF
LAFAYETTE; THE CATHOLIC
UNIVERSITY OF AMERICA,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Defendant.

Case No. 2:24-cv-691-DCJ-TPL

**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION OF SMALL BUSINESS
MAJORITY, MAIN STREET ALLIANCE, AND AMERICAN SUSTAINABLE
BUSINESS COUNCIL FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE***

Proposed *Amici* are the Small Business Majority, Main Street Alliance, and American Sustainable Business Council (collectively “Proposed *Amici*”). Proposed *Amici* respectfully move

for leave to file the attached *amicus* brief in opposition to the State Plaintiffs’¹ Motion for Summary Judgment, in opposition to the Bishop Plaintiffs’² Motion for Partial Summary Judgment and Permanent Injunction, and in Support of Defendant Equal Opportunity Commissions’ Motion to Dismiss. The proposed brief is attached as Exhibit A.

Proposed *Amici* are business associations that seek to offer this Court their views on the importance of the Pregnant Workers Fairness Act (“PWFA”) and the Final Rule. The Final Rule provides important guidance for employers on how to comply with the PWFA. Enjoining the Final Rule, in whole or in part, as sought by Plaintiffs will sow chaos and confusion, harming not only *amici*, their members, and their employees, but other employers and employees nationwide.

INTERESTS OF *AMICI CURIAE*

Amici curiae represent businesses across the nation that will be regulated by the Final Rule and recognize the importance of providing clear guidance to employers, particularly small businesses. *Amici* include:

Amicus curiae Small Business Majority is a national small business organization that empowers America's diverse entrepreneurs to build a thriving and equitable economy. Small Business Majority engages a network of more than 85,000 small businesses and 1,500 business and community organizations to deliver resources to entrepreneurs and advocate for public policy solutions that promote inclusive small business growth. Small Business Majority’s work is bolstered by extensive research and deep connections with the small business community.

Amicus curiae Main Street Alliance (“MSA”) is a national network of small businesses,

¹ The State Plaintiffs are Louisiana and Mississippi.

² The Bishop Plaintiffs are U.S. Conference of Catholic Bishops, The Society of the Roman Catholic Church of the Diocese of Lake Charles, The Society of the Roman Catholic Church of the Diocese of Lafayette, and The Catholic University of America.

which represents approximately 30,000 small businesses across the United States. MSA helps small business owners realize their full potential as leaders for a just future that prioritizes good jobs, equity, and community through organizing, research, and policy advocacy on behalf of small businesses. MSA also seeks to amplify the voices of its small business membership by sharing their experiences with the aim of creating an economy where all small business owners have an equal opportunity to succeed.

Amicus curiae the American Sustainable Business Council (“ASBC”) is a multi-issue membership organization comprised of the business and investor community, which collectively represents over 200,000 businesses, the majority of which are small and mid sized businesses. ASBC advocates for solutions and policies that support a just, sustainable stakeholder economy. Its mission is to educate, connect, and mobilize business leaders and investors to transform the public and private sectors and the overall economy.

ARGUMENT

District courts have broad discretion to allow the participation of *amici curiae*. *See C & A Carbone, Inc. v. Cnty. of Rockland, NY*, No. 08-CV-6459-ER, 2014 WL 1202699, at *3 (S.D.N.Y. Mar. 24, 2014). In evaluating whether to permit filings by *amici*, “courts consider factors such as whether the proposed *amicus* has a unique interest in the case, and whether the proposed *amicus* brief is timely and useful or otherwise necessary to the administration of justice.” *Boudreaux v. Sch. Bd. of St. Mary Par.*, No. 6:65-CV-11351, 2023 WL 4771231, at *3 (W.D. La. July 24, 2023) (internal quotations omitted).

Proposed *Amici* offer an important perspective to Court. They are associations of employers who are regulated by PWFA and the Final Rule, and write to explain the importance of the Rule to the business community. *Amici* previously filed briefs in opposition to Plaintiffs’ Motions for Preliminary Injunction. *Amici* are now filing at this juncture to highlight the injury

that the requested relief would cause for parties not before the Court (including small businesses in Louisiana and Mississippi). Further, Proposed *Amici* explain how the relief sought by Plaintiffs would cause confusion for the entire business community, particularly for small businesses. This private sector perspective cannot be provided by the parties.

Moreover, granting proposed *amici*'s motion would not delay resolution of the motions. Briefing on the motions at issue have not yet closed, and argument is not yet occurred. No party will be prejudiced by permitting Proposed *Amici* to file their brief.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that the Court grant their motion for leave to file their proposed *amicus* brief in opposition to Plaintiffs' Motions for Summary Judgment and in support of Defendants' Motion to Dismiss.

Dated: November 19, 2024

Respectfully submitted,

/s/ William Most

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*Motion for admission *Pro Hac Vice*
forthcoming

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